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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,228	03/05/2002	John V. Bernard	02-184-US	6558
23726	7590	05/04/2005	EXAMINER	
Reed Smith Shaw & McClay, LLP 213 Market Street/ 9th Floor P.O. Box 11844 Harrisburg, PA 17108-1844			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/090,228	BERNARD, JOHN V.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 24 May 2002.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 20020603.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro (US 6,714,944 B1).**
3. **As per independent Claims 1 and 8,** Shapiro discloses a method [system] for providing verified information regarding a trait of an applicant seeking employment by submitting an application (resume is a form of employment application, user also completes online registration/application) (abstract, Fig.4A-4B), comprising the steps of a first recipient:
  - (a) [means for] receiving an application (resume) from an applicant seeking employment (C1 L32-36); (b) [means for] providing a means by which said applicant requests that investigational activities be conducted to yield results concerning said trait (Fig.2, Registrant registers data for verification and storage (Figs.4A-4B); (c) [means for] receiving said results of said investigational activities (Fig.5B); and (d) [means for] associating with said application a distinguishing marker corresponding to said results of said investigation activities (C9 L24-40).

4. As per Claims 2 and 9, Shapiro discloses wherein said request [online registration form] that investigational activities be conducted is communicated by said applicant electronically (Fig.3 and Fig.4A).
5. As per Claims 3 and 10, Shapiro discloses wherein said request [online registration form] that investigational activities be conducted is submitted by said first recipient (user) to a second recipient (website provider) (Fig.2. and Fig.4A-4B)
6. As per Claims 4 and 11, Shapiro discloses wherein said means by which applicant [electronically] requests investigational activities further comprises an electronic hyperlink to said second recipient (Fig.3; Fig.4A, site; C7 L17-22).
7. As per Claims 5 and 12, Shapiro discloses wherein said results of said investigational activities are received electronically (Figs.3-5B).
8. As per Claims 6 and 13, Shapiro discloses wherein said distinguishing marker is associated with said application electronically (C9 L24-40).
9. As per Claims 7 and 14, Shapiro discloses wherein said request that investigational activities be conducted is communicated electronically from said first recipient to a second recipient, and said results of said investigational activities are received by said first recipient from said second recipient (Figs.3-5B).

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro.**

12. As per **independent Claim 15**, Shapiro discloses a method for certifying information regarding a trait of an applicant seeking employment by submitting an online application (resume is a form of employment application, user also completes online registration/application) (abstract, Fig.4A-4B), comprising the steps of: (a) a first party (web site/system operator) receiving from a second party (registrant) a request that said first party perform investigational activities (Fig.4A-4B), said applicant having previously sent an electronic application seeking employment (resume) to said first party and requested that investigation activities be conducted (abstract, Fig.4A-4B); (b) said first party performing said investigational activities to yield results (Figs.4A-5B); (c) said first party communicating said results to said applicant (Figs.5B).
13. Shapiro fails to expressly disclose wherein said first party determines whether applicant wishes to have an identifying symbol associated with said application to reflect said results.
14. However, Shapiro does disclose placing an identifier on the verification results (C9 L24-40).
15. Furthermore, Shapiro discloses communicating with the registrant to determine whether to save the verification document, what to include with the document, and who to send the document to.

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said first party determines whether applicant wishes to have an identifying symbol associated with said application to reflect said results, in the system disclosed by Shapiro, for the advantage of providing a method for certifying information regarding a trait of an applicant seeking employment, with the ability to increase effectiveness of the method by allowing the user the option to visually identify verified information provided to employers (C1 L19-29).
17. As per Claim 16, Shapiro discloses (e) said first party communicating said results to said second party (Figs.4A-5B).
18. As per Claim 17, Shapiro discloses (e) said first party associating an identifying symbol with said application to reflect said results (C9 L24-40).
19. As per Claim 18, Shapiro discloses (f) said first party electronically transmitting to said second party said application (Figs.3-5B), said application having said identifying symbol associated therewith (C9 L24-40).
20. As per Claim 19, Shapiro discloses wherein said electronic request that said first party conduct investigational activities includes an electronic hyperlink from said second party to said first party (Fig.3; Fig.4A; C7 L17-22, website access).
21. As per Claim 20, Shapiro discloses wherein said distinguishing marker comprises means for electronically presenting information gathered during investigational activities (C9 L24-40).

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. The following foreign patent is cited to show the best foreign prior art found by the examiner:

**PCT No. WO 200133421 A1 to Gibbs et al.**

Gibbs discloses a candidate profile creating system for assisting a candidate in obtaining employment, which has modules for testing candidate skills, obtaining background checks, and training the candidate for interviews.

24. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

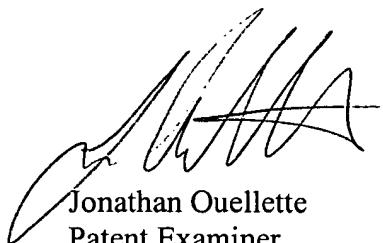
**Backgrounds Online (www.backgroundsonline.com, Retrieved from Internet Archive Wayback Machine <www.archive.org>, Date Range: 4/27/1999-10/6/2000)**

Backgrounds Online disclose a system for providing background checks for employer/candidates online.

25. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

April 29, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600